

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 22 C 3639
	)	
CHICAGO BASEBALL HOLDINGS, LLC;	)	Judge Pacold
WRIGLEY FIELD HOLDINGS, LLC; WF	)	
MASTER TENANT, LLC; and CHICAGO	)	Magistrate Judge McShain
CUBS BASEBALL CLUB, LLC,	)	
	)	
Defendants.	)	

**JOINT STATUS REPORT**

The parties, by their undersigned attorneys, submit this joint status report in accordance with the court's minute entry of December 13, 2023 (Dkt. 55):

**(a) Progress of fact discovery:** Since the parties submitted their last joint status report in early December (Dkt. 52), the parties have completed the deposition of a Cubs fact witness, as well as a Fed. R. Civ. P. 30(b)(6) deposition of the Cubs. The final Cubs fact witness is scheduled to be deposed on January 30. The parties anticipate conducting several additional depositions of third-party witnesses. In particular, the United States plans to take depositions of one third-party accessibility consultant and two third-party architects. The Cubs expect to depose at least one witness from the City of Chicago. The parties are working diligently to schedule all depositions prior to the current fact discovery deadline of February 20, 2024 (Dkt. 55), subject to third party witness availability. The parties request permission to alert the Court if they conclude that one or more of the remaining third party depositions will need to take place after February 20, 2024, either based on witness availability or because of the outcome of pending discovery motions described below:

- (1) The parties have fully briefed the United States' motion to deny the Cubs' privilege claim over certain documents produced by a third-party accessibility consultant named Kevin McGuire in response to the United States' subpoena. Dkt. 37 (motion), 43 (sealed supporting memorandum), 56 (sealed response), 61-1 (sealed reply). Because the United States plans to ask deposition questions about these documents if the court grants its motion, the parties agreed to reschedule the deposition of a Cubs fact witness from December 19 to January 30. The United States also plans to issue deposition subpoenas to McGuire and Chuck Izzo (a third-party architect formerly with DAIQ, which performed architectural services for Wrigley Field), so that these depositions can proceed in early February, prior to the close of fact discovery. If the court rules in favor of the United States on its motion to deny the Cubs' privilege claim, the United States will plan to ask both of these witnesses questions about the documents at issue in the privilege motion, among various other topics. At a minimum, the United States will plan to ask questions about other communications between McGuire, Izzo, and others relating to accessibility at Wrigley Field, outside of the matters subject to the Cubs' privilege claim.
- (2) The Cubs have briefed their motion to compel the City of Chicago to produce additional documents in response to the Cubs' subpoena, as well as the City's related motion to quash. Dkt. 48 (Cubs' motion to compel), 63 (City's response and motion to quash), 65-1 (Cubs' reply). The City is scheduled to file its reply in support of its motion to quash today (January 12), at which point briefing on these two motions relating to the City's subpoena productions will be complete. Dkt. 69. The Cubs anticipate deposing one or more witnesses who worked for the City of Chicago on the City's review of the Wrigley Field renovation. The Cubs will endeavor to depose the City's witnesses promptly after

receiving and reviewing any documents the City is ordered to produce pursuant to the Cubs' pending motion.

**(b) Status of settlement discussions:** The parties do not request a settlement conference at this time. The parties will notify the court in the future if a settlement conference would be productive.

**(c) Other matters:** The parties do not have additional items to raise with the court at this time.

Respectfully submitted,

For the United States:

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